



Order Filed on March 6, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**Caption in Compliance with D.N.J. LBR 9004-2(c)**  
43361  
Morton & Craig LLC  
John R. Morton, Jr., Esq.  
110 Marter Avenue  
Suite 301  
Moorestown, NJ 08057  
856-866-0100  
Attorney for Ally Servicing LLC, servicer for Ally  
Financial

In Re:

DARRYL B. MONTICELLO

Case No.: 16-25565

Adv. No.:

Hearing Date: 2-8-17

Judge: KCF

**ORDER FOR MONTHLY PAYMENTS AND STAY RELIEF UNDER CERTAIN  
CIRCUMSTANCES**

The relief set forth on the following pages, numbered two (2) is hereby **ORDERED**.

**DATED: March 6, 2017**

  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

**Darryl B. Monticello**

**16-25565(KCF)**

**Order Providing for Monthly Payments for Stay Relief under Certain Circumstances**

**Page 2**

This matter having been brought on before this Court on motion for stay relief and co-debtor stay relief filed by John R. Morton, Jr., Esq., attorney for Ally Servicing LLC, servicer for Ally Financial, with the appearance of Marc Capone, Esq. on behalf of the debtor, and this order having been filed with the Court and served upon the debtor and his attorney and the non-filing co-debtor, Kristine Monticello under the seven day rule with no objections having been received as to the form or entry of the order, and for good cause shown;

IT IS ORDERED:

1. That Ally Servicing LLC is the servicer for Ally Financial, the holder of a first purchase money security interest encumbering a 2012 Honda Odyssey bearing vehicle identification number 5FNRL5H68CB072171 (hereinafter the "vehicle").
2. The debtor shall make all retail installment contract payments to Ally Servicing LLC, servicer for Ally Financial when due, being the 8<sup>th</sup> day of each month. In the event the debtor fails to make any payment for a period of 30 days after it falls due, Ally Servicing LLC, servicer for Ally Financial shall receive stay relief as to the debtor and non-filing co-debtor, Kristine Monticello to repossess and sell the vehicle by filing a certification of nonpayment and serving it upon the debtor, his attorney and the non-filing co-debtor.
3. The debtor shall maintain insurance on the vehicle in accordance with the terms of the retail installment contract. In the event of a lapse of insurance for any period of time without intervening coverage, Ally Servicing LLC, servicer for Ally Financial shall receive stay relief as to the debtor and non-filing co-debtor, Kristine Monticello to repossess and sell the vehicle by filing a certification that insurance has lapsed with the court and serving it upon the debtor, his attorney and the non-filing co-debtor.
4. The debtor shall pay to Ally Servicing LLC, servicer for Ally Financial through the plan, a counsel fee of \$531 which shall be paid by the trustee as an administrative priority expense.

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Darryl B. Monticello  
Debtor

Case No. 16-25565-KCF  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Mar 06, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 08, 2017.

db Darryl B. Monticello, 419 Arbutus Dr, Point Pleasant Beach, NJ 08742-3102

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 08, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 6, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SOLELY AS TRUSTEE HEREUNDER AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

John R. Morton, Jr. on behalf of Creditor Ally Servicing LLC mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com;mhazlett@mortoncraig.com

John R. Morton, Jr. on behalf of Creditor Ally Capital mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com;mhazlett@mortoncraig.com

Marc C. Capone on behalf of Debtor Darryl B. Monticello mcapone@caponeandkeefe.com, docs@caponeandkeefe.com

TOTAL: 5